

Office of the Clerk
J. Michael McMahon
U.S. District court
for the southern District of New York
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 1-26-2010

24.1.2010

Re:a letter to the honorable judge Mr. Denny Chin with regard to Google Settlement agreement amended version.

The honorable Judge Mr. Denny Chin,

I am and Israeli Publisher of Schocken Publishing house and the Hebrew Encyclopedia.

We were very pleased to get the honorable court decision to exclude all books that are not being published in the US in the Canada, the UK and Australia from the Google Settlement agreement.

Nevertheless we would like to make sure that all the books that were published by the following publishing houses will be removed from the Google Books sites.

1. Schocken Publishing house ltd.

Israel

In Israel copyright law exists for 70 years after the death of the author or the translator, therefore the majority of our books are in copyright, unlike the US law were even books before 1978 may be in the public domain. Most of our books are in the Hebrew language.

2. Schocken Verlag, Berlin Germany- my late grandfather's publishing house that was closed down in 1938 by the Nazis. Our publishing house in Israel is its inheritor. Most of the books are translations into German. Some of the books are originally in German and some are in Yiddish and the Hebrew.

3. Encyclopedia Hebraica- Hebrew Encyclopedia Published formerly by Massada press, Mifalei Dfus Peli, Sifriat Hapoalim, now the rights are controlled by my publishing House: Hebrew Encyclopedia- Yeda ltd. All its editions are in under copyright according to the Israeli Law.

בֵּית שֹׁקֵן לְחַזְקַת סְפִירָם בְּנֵם
SCHOCKEN PUBLISHING HOUSE Ltd.



In the amended Settlement agreement there is no obligation of Google to remove all books except books from the US, UK, Canada and Australia, from its books sites. We would like to make sure that our books will be removed from these sites.

Although the amended settlement agreement has some important changes for copyright owners, it still enables Google to decide about the price of each book. To decide what will be the terms were books will be sold to educational and other institutions, to make POD books of out of print titles, eBooks, Cellphone books and new commercial exploitation of copyright without seeking the copyright owner approval to the terms in advance.

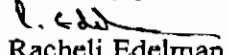
As long as our books are scanned on Google sites we may lose the control of our rights and we may have a formidable competitor on our own books in eBooks, Cellphone Books, In addition to this we will have a competitor to the selling of our own books to educational and other institutions.

We cannot agree that a Registry were we have no representation and no influence, will decide how to use exploit our rights. All our books will be considered "out of Print" also according to the amended agreement definition of "in print books". Thus all our potential income will be paid to the Registry and donated to whatever they will see fit.

The Registry, according to the settlement agreement, is a barrier between us as copyright owners and Google. Thus we may have no direct commercial contacts between copyright owner and Google. This too is unacceptable to us for the reasons above.

Therefore we will be grateful if the court will authorize Google not to put the above mentioned publishing houses titles on their books sites.

Sincerely yours


Racheli Edelman
Publisher

Schocken Publishing House Ltd.
Schocken Verlag Berlin
Hebrew Encyclopedia- Yeda Ltd.

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